

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER FRANKLIN,
Petitioner,
v.
WARDEN,
Respondent.

No. 2:24-cv-1822 DB P

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 20, 2024, the court ordered petitioner to submit, within 30 days, an affidavit in support of a request to proceed in forma pauperis (“IFP”) or the \$5.00 filing fee. To date, no IFP affidavit or filing fee payment has been received. However, petitioner has mailed three letters to the Clerk of the Court which have been filed and which indicate petitioner signed a trust account withdrawal form requesting a withdrawal for the filing fee to be paid. (ECF Nos. 9, 10, 11.)

As explained, no payment has been received. It could be that petitioner did not have adequate funds for the withdrawal, or there could be some other reason why the payment has not been processed. Petitioner will be provided a further opportunity to submit the appropriate filing fee, or, if appropriate, an affidavit in support of a request to proceed IFP. See 28 U.S.C. §§ 1914(a); 1915(a). In light of petitioner’s previous trust account withdrawal requests, submitting

1 the filing fee might require petitioner to make inquiry within his facility as to why his previous
2 trust account withdrawal order did not result in payment of the filing fee. Petitioner may request a
3 further extension of time as necessary.

4 In accordance with the above, IT IS ORDERED that petitioner shall submit, within thirty
5 days from the date of this order, an affidavit in support of his request to proceed in forma pauperis
6 or the appropriate filing fee.

7 DATED: October 24, 2024

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10 SEAN C. RIORDAN
11 UNITED STATES MAGISTRATE JUDGE
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